

THURSDAY, MARCH 29, 2012

SIXTY-SIXTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Marvin Briggs, Cofer's Chapel Free Will Baptist Church, Nashville, TN.

Representative Lundberg led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 97

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 97

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Favors; business

Representative Womick; business

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 828 Rep(s). Maggart, McDonald, Eldridge, Fitzhugh and Armstrong as prime sponsor(s).

House Joint Resolution No. 832 Rep(s). Armstrong, Tindell, Fitzhugh, Haynes, Hall and Naifeh as prime sponsor(s).

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House Joint Resolution No. 835 Rep(s). Swann as prime sponsor(s).

House Joint Resolution No. 836 Rep(s). Maggart as prime sponsor(s).

House Joint Resolution No. 837 Rep(s). Evans and Maggart as prime sponsor(s).

House Joint Resolution No. 838 Rep(s). Maggart as prime sponsor(s).

House Joint Resolution No. 845 Rep(s). Fitzhugh, Floyd and D. Miller as prime sponsor(s).

House Bill No. 2774 Rep(s). Roach, Ford, Matlock, H. Brooks, Matheny, Dean, Eldridge, McDonald, Naifeh, L. DeBerry and Shipley as prime sponsor(s).

House Bill No. 2809 Rep(s). Coley and Rich as prime sponsor(s).

House Bill No. 2883 Rep(s). Shaw, Parkinson, Brown, Towns, H. Brooks and B. Cooper as prime sponsor(s).

House Bill No. 2933 Rep(s). Dean as prime sponsor(s).

House Bill No. 3019 Rep(s). Hardaway and H. Brooks as prime sponsor(s).

House Bill No. 3570 Rep(s). Forgety as prime sponsor(s).

House Bill No. 3808 Rep(s). Pody, Faison, Rich, Todd, Hensley, Holt, Gotto, Eldridge, Coley, Maggart, Shipley, Ragan, Watson, Niceley, Butt, Cobb, R. Williams, Sexton, Hurley, C. Johnson, Halford, Hall, White, Elam, K. Brooks, Dean, McManus, Lundberg, Forgety, Carr, Sanderson, Ford, Weaver, Dunn, H. Brooks, Wirgau, Powers and Roach as prime sponsor(s).

**MESSAGE FROM THE SENATE
March 29, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 724; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Joint Resolution No. 724 -- Memorials, Recognition - Honors and salutes the courageous Liberators and Holocaust Survivors of Tennessee and the work of the Tennessee Holocaust Commission. by *Berke.

**MESSAGE FROM THE SENATE
March 29, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2609; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Bill No. 2609 -- Medical Occupations - As introduced, provides immunity to medical doctor or osteopathic physician who makes a report to law enforcement regarding an employee's unauthorized use of the doctor or physician's DEA registration number to write prescriptions. - Amends TCA Title 63, Chapter 9 and Title 63, Chapter 6. by *Burks. (*HB2684 by *Williams R, *Hensley, *White, *Hurley, *Ragan, *Hall)

PERSONAL ORDERS

RECOGNITION IN THE WELL

Representative McDaniel was recognized in the Well to present the series *Images of the Civil War Sesquicentennial* which featured narration by Representatives Armstrong, Richardson and Sanderson.

RECOGNITION IN THE WELL

Representatives H. Brooks and Matheny, joined by Representatives McManus, Todd and K. Williams, were recognized in the Well in order to introduce Anna A. Kao, Director General, Taipei Economic and Cultural Office in Atlanta, for remarks.

RESOLUTION READ

The Clerk read House Resolution No. 166, previously adopted on February 23, 2012, which welcomed all opportunities to enhance the special sister-state bond between Tennessee and Taiwan.

***House Resolution No. 166** -- General Assembly, Statement of Intent or Position - Commends Taiwan for its relations with the United States and Tennessee. by *Brooks H, *Matheny, *Williams K, *Dunn, *Todd.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 2, 2012:

House Resolution No. 230 -- Memorials, Heroism - Dock Lillard Richards. by *Windle.

House Resolution No. 231 -- Memorials, Professional Achievement - Shannon Land, Tennessee Assistant Principal of the Year. by *Harmon.

House Joint Resolution No. 841 -- Memorials, Sports - Vanderbilt University Men's Basketball Team, 2012 SEC Tournament Champions. by *Harwell, *Gilmore, *Odom, *Sontany, *Turner M, *Jones S, *Moore, *Gotto, *Stewart, *Pruitt.

House Joint Resolution No. 842 -- Memorials, Recognition - Charlie Foust & Clarksville Foundry. by *Pitts, *Johnson C, *Tidwell.

House Joint Resolution No. 846 -- Memorials, Recognition - Walmart Distribution Center and Transportation Office, 15 year anniversary. by *Hawk.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 2, 2012:

Senate Joint Resolution No. 674 -- Memorials, Recognition - Tennessee Education Lottery Corporation and the Tennessee Education Lottery. by *Kyle, *Burks, *Marrero, *Ford.

Senate Joint Resolution No. 702 -- Memorials, Retirement - Dr. Robert Bell. by *Burks, *Stewart, *Yager, *Beavers, *Crowe, *Barnes, *Bell, *Berke, *Campfield, *Faulk, *Finney L, *Ford, *Gresham, *Harper, *Haynes, *Herron, *Johnson, *Kelsey, *Ketron, *Kyle, *Marrero, *Massey, *McNally, *Norris, *Overbey, *Roberts, *Summerville, *Tate, *Tracy, *Watson, *Ramsey.

Senate Joint Resolution No. 705 -- Memorials, Recognition - Ty Smith, Boys and Girls Club of the Smoky Mountains 2012 Youth of the Year. by *Overbey.

Senate Joint Resolution No. 706 -- Memorials, Recognition - General Federation of Women's Clubs Chilhowee Club, 120th anniversary. by *Overbey.

Senate Joint Resolution No. 707 -- Memorials, Recognition - Johnson City Country Club, National Register of Historic Sites. by *Crowe.

Senate Joint Resolution No. 708 -- Memorials, Recognition - John Howard Dunn. by *Southerland.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3877 -- Spencer – House State and Local Government Committee

House Bill No. 3878 -- Westmoreland – House State and Local Government Committee

House Bill No. 3879 -- Sumner County – House State and Local Government Committee

House Bill No. 3880 -- Sumner County – House State and Local Government Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 29, 2012**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 2, 2012**: House Bill(s) No(s). 3581 and 3792.

The Committee met and set the following bill(s) on the **Regular Calendar** for **April 4, 2012**: House Bill(s) No(s). 3822, 3093, 3864, 2806, 2368, 2329, 2592, 2375, 3274, 3717, 3381, 3868, 2296, 3432, 2212, 3567, 3860, 3365 and 1069.

The Committee met and set the following bill(s) on the **Regular Calendar** for **April 5, 2012**: House Bill(s) No(s). 2749, 2750, 2752, 3207, 2915, 3828, 2459, 2999, 3705, 3257, 2960, 3300, 1908, 182 and 2801.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 2, 2012**: House Bill(s) No(s). 3841, 3464, 3465, House Joint Resolution(s) No(s). 744, 742, 743, House Bill(s) No(s). 3373, 3863, House Joint Resolution(s) No(s). 713, House Bill(s) No(s). 3468 and 41.

CONSENT CALENDAR

House Resolution No. 229 -- Memorials, Recognition - Lawrence Curry. by *Favors, *Brown, *Armstrong, *Miller L, *Camper, *Parkinson, *Hardaway.

House Joint Resolution No. 828 -- Memorials, Recognition - Ducks Unlimited, 75th anniversary. by *Wirgau.

House Joint Resolution No. 829 -- Memorials, Academic Achievement - Alina-Sarai Gal-Chis, Salutatorian, Wilson Central High School. by *Elam.

House Joint Resolution No. 831 -- Memorials, Death - Paul Eugene "Gene" Johnson. by *Jones S, *Harwell.

House Joint Resolution No. 832 -- Memorials, Recognition - The University of Tennessee, Knoxville, College of Business Administration. by *Marsh, *Montgomery, *Halford, *Harwell.

House Joint Resolution No. 833 -- Memorials, Professional Achievement - Heather Hayes, Mid-Cumberland Regional High School Teacher of the Year, Centennial High School. by *Casada, *Sargent.

House Joint Resolution No. 834 -- Memorials, Professional Achievement - Tiffany Wilson-Mobley, Elementary Teacher of the Year, Williamson County. by *Casada, *Sargent.

House Joint Resolution No. 835 -- Memorials, Death - Tutt S. Bradford. by *Ramsey.

House Joint Resolution No. 836 -- Memorials, Recognition - Donald W. Blocker. by *McDonald.

House Joint Resolution No. 837 -- Memorials, Recognition - The Farmers Bank. by *McDonald.

House Joint Resolution No. 838 -- Memorials, Recognition - Village Drugs. by *McDonald.

Rep. S. Jones moved that all members of the Davidson County delegation voting aye on House Joint Resolution No. 831 be added as co-prime sponsors, which motion prevailed.

Rep. Swann moved that all members voting aye on House Joint Resolution No. 835 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

REGULAR CALENDAR

Senate Bill No. 2723 -- Local Education Agencies - As introduced, allows local boards of education to conduct scheduled board meetings electronically in some circumstances. - Amends TCA Title 8, Chapter 44, Part 1 and Title 49, Chapter 2. by *Finney L. (*HB2883 by *Fitzhugh, *Hardaway)

Further consideration of Senate Bill No. 2723 previously considered on March 22, 2012, at which time the House withdrew Amendment(s) No(s). 1 and it was reset for today's Calendar

Rep. Fitzhugh moved that Senate Bill No. 2723 be passed on third and final consideration.

Rep. Stewart moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2723 By adding the following new section immediately preceding the last section and by renumbering the subsequent accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a metropolitan form of government and a population in excess of five hundred thousand (500,000) according to the 2010 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Rep. Fitzhugh requested that Senate Bill No. 2723 be moved to the heel of the Calendar.

***House Bill No. 2774** -- Criminal Procedure - As introduced, increases expunction fee following the successful completion of diversion programs. - Amends TCA Title 38, Chapter 6; Title 40, Chapter 32 and Title 40, Chapter 35. by *Watson, *Brooks K. (SB2780 by *McNally)

Further consideration of House Bill No. 2774 previously considered on March 22, 2012, at which time it was reset for today's Calendar

Rep. Watson moved that House Bill No. 2774 be passed on third and final consideration.

Rep. Coley moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2774 by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-6-118, is amended by deleting subsection (c) in its entirety and by substituting instead the following new subsection (c):

(c) Funding for the operational expenses of this section shall be as stated under § 40-32-101(d)(2).

SECTION 2. Tennessee Code Annotated, Section 38-6-118, is amended by adding the following language as a new subsection (e):

(e)

Upon a defendant's request for diversion pursuant to title 40, chapter 15, or § 40-35-313, all of which require a certificate from the bureau relative to the defendant's eligibility for diversion, the defendant shall pay a fee of one hundred

dollars (\$100) to the clerk of the court for deposit in the special fund established in § 40-32-101(d) and shall be used by the bureau for the purposes specified under that subsection.

SECTION 3. Tennessee Code Annotated, Section 40-32-101, is amended by deleting subdivision (a)(1)(C) in its entirety, and is further amended by deleting subdivision (d)(2) in its entirety and by substituting instead the following new subdivision (d)(2):

(2)

(A) Beginning July 1, 2012, defendant petitioning a court for expunction of records because the charge against the person was dismissed as a result of the successful completion of a diversion program pursuant to §§ 40-15-102 — 40-15-106 shall be assessed a three hundred fifty dollar (\$350) fee. The fee shall be transmitted by the clerk of the court for deposit in a special fund and shall be used by the bureau for the following purposes:

- (i) Employing personnel;
- (ii) Purchasing equipment and supplies;
- (iii) Funding education, training and development of employees;
- (iv) Maintaining the expunged criminal offender and pretrial diversion database;
- (v) Computer system support;
- (vi) Maintenance expenses; and
- (vii) Any other purpose to allow the bureau's business to be done in a more efficient manner.

(B) The moneys received in the fund shall be invested for the benefit of the fund by the state treasurer pursuant to § 9-4-603. Amounts in the fund shall not revert to the general fund of the state, but shall together with interest income credited to the fund remain available for expenditure in subsequent fiscal years.

(C) The three hundred fifty dollar (\$350) fee under subdivision (A) shall not apply to any case where there has been an acquittal, nolle prosequi, or dismissal for failure to prosecute or where the law does not require a copy of the expunction order be sent to the Tennessee bureau of investigation.

SECTION 4. Tennessee Code Annotated, Section 40-35-313, is amended by deleting subdivision (d)(2) in its entirety and by substituting instead the following new subdivision (d)(2):

(2) Beginning July 1, 2012, a defendant applying to a court for expunction of the defendant's records following successful completion of the diversion program authorized by this section shall be assessed a three hundred fifty dollar (\$350) fee. The fee shall be transmitted by the clerk of the court to the state treasurer for deposit in the special fund established in § 40-32-101(d)(2).

SECTION 5. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. McManus moved the previous question, which motion prevailed by the following vote:

Ayes	64
Noes.....	31

Representatives voting aye were: Alexander, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Dean, DeBerry L, Elam, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Naifeh, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams K, Williams R, Wirgau, Madam Speaker Harwell -- 64

Representatives voting no were: Armstrong, Bass, Brown, Camper, Cooper, Curtiss, DeBerry J, Dennis, Dunn, Eldridge, Gilmore, Hardaway, Hensley, Jones, Kernell, McDonald, Miller L, Moore, Odom, Parkinson, Pitts, Pruitt, Richardson, Shaw, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Windle -- 31

Rep. Watson moved that **House Bill No. 2774**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	75
Noes.....	15
Present and not voting.....	2

Representatives voting aye were: Bass, Brooks H, Brooks K, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Elam, Eldridge, Faison, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Moore, Naifeh, Niceley, Odom, Pitts, Pody, Powers, Ragan, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner M, Watson, Weaver, White, Williams K, Williams R, Wirgau, Madam Speaker Harwell -- 75

Representatives voting no were: Alexander, Armstrong, Butt, Cooper, Evans, Gilmore, Hardaway, Hensley, Jones, Miller L, Parkinson, Pruitt, Richardson, Turner J, Windle -- 15

Representatives present and not voting were: Dennis, Dunn -- 2

A motion to reconsider was tabled.

***House Bill No. 2550** -- Sheriffs - As introduced, decreases the amount of time that a sheriff must wait before disposing of certain unclaimed property in the sheriff's custody from six months to two months from the date of acquisition. - Amends TCA Title 8, Chapter 8. by *Carr. (SB2551 by *Ketron)

Rep. Carr moved that House Bill No. 2550 be reset for the Regular Calendar on April 2, 2012, which motion prevailed.

***House Bill No. 2434** -- Wildlife Resources Commission - As introduced, creates a vacancy for death, resignation, removal, disqualification, change of residence or persistent absence from meetings without good cause; a vacancy shall be declared if a person fails to attend six or more meetings of the commission in any one year requiring replacement by the appointing authority. - Amends TCA Title 70, Chapter 1, Part 2. by *Weaver. (SB2393 by *Bell)

Rep. Weaver moved that House Bill No. 2434 be passed on third and final consideration.

Rep. Lollar moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2434 by deleting the language "failed to attend six (6) or more meetings" from subdivision (f)(2) of SECTION 1 and by substituting instead the language "failed to attend four (4) or more meetings".

On motion, Conservation and Environment Committee Amendment No. 1 was adopted.

Rep. Casada moved the previous question, which motion prevailed.

Rep. Weaver moved that **House Bill No. 2434**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Madam Speaker Harwell -- 94

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Representatives voting no were: Shaw -- 1

A motion to reconsider was tabled.

JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep(s). Towns voted “aye” on **House Bill No. 2434**.

REGULAR CALENDAR, CONTINUED

House Bill No. 2809 -- Statutes and Codification - As introduced, provides that no statutory private right of action or duty of care is created unless statute contains express language creating the right or duty and prohibits implied rights of action or duties of care unless based on common law where no controlling statute exists. - Amends TCA Title 1, Chapter 3, Part 1. by *Dennis. (*SB2140 by *Kelsey)

On motion, House Bill No. 2809 was made to conform with **Senate Bill No. 2140**; the Senate Bill was substituted for the House Bill.

Rep. Dennis moved that Senate Bill No. 2140 be passed on third and final consideration.

Rep. Watson moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hill moved the previous question, which motion failed by the following vote:

Ayes	56
Noes.....	37

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Casada, Cobb, Coley, Dean, Dennis, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Harrison, Hawk, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Tindell, Todd, Watson, Weaver, White, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 56

Representatives voting no were: Armstrong, Bass, Brown, Campbell, Cooper, DeBerry J, DeBerry L, Dunn, Elam, Fitzhugh, Gilmore, Hall, Hardaway, Harmon, Haynes, Hensley, Jones, Kernell, Lollar, Lundberg, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Shaw, Shepard, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Williams K -- 37

After further discussion, Rep. Todd moved the previous question, which motion prevailed.

Rep. Dennis moved that **Senate Bill No. 2140** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 69
Noes..... 27
Present and not voting..... 1

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry L, Dennis, Dunn, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Harrison, Hawk, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Naifeh, Niceley, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Shipley, Sparks, Swann, Tidwell, Tindell, Todd, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 69

Representatives voting no were: Armstrong, Brown, Camper, Cooper, DeBerry J, Elam, Hall, Hardaway, Harmon, Haynes, Jones, Kernell, McDonald, Miller L, Moore, Odom, Parkinson, Pitts, Richardson, Sexton, Shaw, Shepard, Sontany, Stewart, Towns, Turner J, Turner M -- 27

Representatives present and not voting were: Gilmore -- 1

A motion to reconsider was tabled.

House Bill No. 2984 -- Courts, Juvenile - As introduced, makes various changes to the appointment of counsel and guardians ad litem for indigent children and defendants in juvenile court. - Amends TCA Section 37-1-126 and Section 37-1-150. by *Dennis. (*SB2728 by *Faulk)

Rep. Dennis moved that **House Bill No. 2984** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Wirgau, Madam Speaker Harwell -- 95

Representatives voting no were: Windle -- 1

A motion to reconsider was tabled.

House Bill No. 2978 -- Judges and Chancellors - As introduced, clarifies to which judges certain financial disclosure laws apply; clarifies that newly elected judges may practice law to wind up their practice; revises other provisions governing judges. - Amends TCA Section 2-10-102; Section 17-2-112; Section 17-2-202; Section 17-1-105 and Section 23-3-102. by *Dennis. (*SB2795 by *Faulk)

Rep. Dennis moved that **House Bill No. 2978** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 95

A motion to reconsider was tabled.

***House Bill No. 3101** -- Libraries - As introduced, adds Cocke, Hawkins, Hamblen and Hancock counties to the Watauga regional library and changes region's name to the Holston River regional library. - Amends TCA Section 10-1-112. by *Faison, *Harrison, *Miller D. (SB3447 by *Southerland, *Faulk)

On motion, House Bill No. 3101 was made to conform with **Senate Bill No. 3447**; the Senate Bill was substituted for the House Bill.

Rep. Faison moved that Senate Bill No. 3447 be passed on third and final consideration.

Rep. Faison moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3101 by deleting the effective date section and by substituting instead the following:

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Faison moved that **Senate Bill No. 3447**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

***House Bill No. 3499** -- Firearms and Ammunition - As introduced, defines and clarifies the terms "intent to go armed" and "purpose of going armed" when determining if person is in violation of law prohibiting a person from carrying a firearm with the intent to go armed under certain circumstances. - Amends TCA Title 39, Chapter 17. by *Faison, *Weaver, *Shipley, *Matheny, *Brooks K, *Niceley, *Rich, *Eldridge, *Butt, *Powers, *Maggart, *Holt. (SB3324 by *Beavers)

Rep. Faison moved that House Bill No. 3499 be reset for the Regular Calendar on April 5, 2012, which motion prevailed.

***House Bill No. 2671** -- Employees, Employers - As introduced, clarifies that the requirement for the distribution to servers of service charges or gratuities automatically added to a bill does not apply to charges or fees paid by guests to stay at a guest ranch. - Amends TCA Title 50, Chapter 2, Part 1. by *Faison. (SB2754 by *Southerland)

Rep. Faison moved that **House Bill No. 2671** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 95

A motion to reconsider was tabled.

4599

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

***House Bill No. 2608** -- Short Term Loans and Lenders - As introduced, requires certain pawnbrokers and scrap jewelry and metal dealers to be bonded. - Amends TCA Title 38 and Title 45. by *Brooks K. (SB2811 by *Tracy)

Rep. K. Brooks moved that House Bill No. 2608 be reset for the Regular Calendar on April 5, 2012, which motion prevailed.

House Bill No. 3746 -- Holidays and Days of Special Observance - As introduced, directs the governor to annually issue an executive order designating one month each year as "Tennessee Genealogy Month." - Amends TCA Title 4, Chapter 1, Part 4. by *Curtiss. (*SB3573 by *Stewart)

Rep. Curtiss moved that House Bill No. 3746 be passed on third and final consideration.

Rep. Ramsey moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3746 By deleting SECTION 1 of the bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 1, Part 4, is amended by adding the following language as a new, appropriately designated section:

4-1-410.

The month of July each year shall be observed as "Tennessee Genealogy Month," to be proclaimed as such by the governor.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Curtiss moved that **House Bill No. 3746**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

4600

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

***House Bill No. 3633** -- Beer - As introduced, authorizes the beer boards in the four major counties to suspend or revoke the beer permit if the alcoholic beverage commission suspends or revokes the alcohol license of the establishment; requires the commission to notify the beer board of such action taken by the commission. - Amends TCA Title 57, Chapter 4, Part 2 and Title 57, Chapter 5, Part 1. by *Floyd. (SB3581 by *Watson)

Rep. Floyd moved that House Bill No. 3633 be passed on third and final consideration.

Rep. Ramsey moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3633 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-5-108, is amended by adding the following language as a new subsection (n):

(n)

(1)

(A) As a pilot project to terminate July 1, 2014, unless extended by the general assembly, when a local or municipal beer board responsible for controlling the sale of beer or malt beverages within any county having a population of not less than three hundred thirty-six thousand four hundred (336,400) nor more than four hundred thirty-two thousand three hundred (432,300) according to the 2010 federal census or any subsequent federal census, finds violations, as defined in this chapter, in the sale of beer or malt beverages consumed on-premises of an establishment located within the local or municipal beer board's jurisdiction that result in the beer board suspending the operation of or revoking the permit of the establishment where the violation occurred, the beer board is authorized to notify the alcoholic beverage commission by certified mail, return receipt requested, of the action taken by the beer board. Such notice shall include the record of evidence and the determination made by the beer board in suspending or revoking the permit.

(B) Upon receipt of such notice, the alcoholic beverage commission shall take the actions required pursuant to § 57-4-202(b) with respect to violations as defined in chapter 4 of this title related to the license for the sale of alcoholic beverages for consumption on the premises at the location where the violation of this chapter occurred.

(2) The suspension or revocation decision of the beer board made pursuant to subdivision (1)(A) is final, and any party aggrieved thereby may appeal the decision of the beer board in accordance with the appeal procedures of this chapter.

(o)

(1) As a pilot project to terminate July 1, 2014, unless extended by the general assembly, if, pursuant to § 57-4-202(c), the alcoholic beverage commission sends a certified letter, return receipt requested to the local or municipal beer board responsible for controlling the sale of beer or malt beverages within any county having a population of not less than three hundred thirty-six thousand four hundred (336,400) nor more than four hundred thirty-two thousand three hundred (432,300), according to the 2010 federal census or any subsequent federal census, providing notice that the commission has suspended or revoked the license of an establishment for a violation of title 57, chapter 4, upon receipt of the certified letter, the beer board shall:

(A) Schedule a hearing for the next regularly scheduled meeting of the commission to be held at least fourteen (14) days following the date the beer board receives the certified letter to provide an opportunity for the permit holder to appear and show cause why the permit to sell beer on the premises should not be suspended or revoked for violations of this chapter based on actions taken by the alcoholic beverage commission pursuant to § 57-4-202(c); and

(B) Notify the individual or business entity, which is listed as the permit holder at the same location where the alcoholic beverage license had been suspended or revoked, of the date and time of the hearing.

(2) If the beer board finds that a sufficient violation or violations of this chapter have occurred at such location, then the beer board shall suspend or revoke the permit to the same extent and at least for the same period of time as the alcoholic beverage commission has suspended or revoked the license of the establishment pursuant to § 57-4-202(c).

(3) If the permit holder fails to appear or decides to surrender the permit to the beer board in lieu of appearing at the hearing, the permit shall be suspended or revoked by the beer board and, no permit to sell beer or malt beverages on the premises shall be issued by the beer board to any person for the location where the alcoholic beverage commission had suspended or revoked the license or permit pursuant to § 57-4-202(c) for the period of time included in the decision of the alcoholic beverage commission.

(4) The decision of the beer board is final, and any party aggrieved thereby may appeal the decision of the beer board in accordance with this chapter.

SECTION 2. Tennessee Code Annotated, Section 57-4-202(b), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(b)

(1) As a pilot project to terminate July 1, 2014, unless extended by the general assembly, if, pursuant to § 57-5-108(n), a local or municipal beer board responsible for controlling the sale of beer or malt beverages within any county having a population of not less than three hundred thirty-six thousand four hundred (336,400) nor more than four hundred thirty-two thousand three hundred (432,300), according to the 2010 federal census or any subsequent federal census, sends a certified letter, return receipt requested to the executive director of the alcoholic beverage commission providing notice that the beer board has suspended or revoked the permit of an establishment for a violation of title 57, chapter 5, upon receipt of the certified letter, the executive director of the alcoholic beverage commission shall:

(A) Schedule a show-cause hearing for the next regularly scheduled meeting of the commission to be held at least fourteen (14) days following the date the executive director receives the certified letter to provide an opportunity for the licensee to appear and show cause why the license to sell alcoholic beverages on the premises should not be suspended or revoked for violations of this chapter based on actions taken by the beer board pursuant to § 57-5-108(n); and

(B) Notify the individual or business entity, which is listed as the licensee at the same location where the beer permit had been suspended or revoked, of the date and time of the show-cause hearing.

(2) If the alcoholic beverage commission finds that a sufficient violation or violations of this chapter have occurred at such location, then the commission shall suspend or revoke the license of the establishment to the same extent and at least for the same period of time as the beer board has suspended or revoked the permit of the establishment pursuant to § 57-5-108(n).

(3) If the licensee fails to appear or decides to surrender the license to the alcoholic beverage commission in lieu of appearing at the show-cause hearing, the license shall be suspended or revoked by the commission and, no license to sell alcoholic beverages on the premises shall be issued by the

commission to any person for the location where the beer board suspended or revoked the license or permit pursuant to § 57-5-108(n) for the period of time included in the decision of the beer board.

(4) Notwithstanding § 57-1-201(b)(1), the alcoholic beverage commission shall not have the authority to and shall not issue a fine in lieu of suspending or revoking the license of an establishment whose license had been suspended or revoked by the beer board pursuant to § 57-5-108(n).

(5) The decision of the alcoholic beverage commission is final, and any party aggrieved thereby may appeal the decision of the commission in accordance with the uniform administrative procedures act, compiled in title 4, chapter 5.

(c)

(1)

(A) As a pilot project to terminate July 1, 2014, unless extended by the general assembly, when the alcoholic beverage commission suspends the license to sell alcoholic beverages on the premises at any an establishment located in any county having a population of not less than three hundred thirty-six thousand four hundred (336,400) nor more than four hundred thirty-two thousand three hundred (432,300), according to the 2010 federal census or any subsequent federal census, for any violation or violations, as defined in this chapter, the commission is authorized to notify the local or municipal beer board responsible for controlling the sale of beer or malt beverages within such county by certified mail, return receipt requested, of the action taken by the commission. Such notice shall include the record of evidence and the determination made by the alcohol beverage commission in suspending or revoking the license.

(B) Upon receipt of such notice, the local or municipal beer board shall take the actions required pursuant to § 57-5-108(o) with respect to violations as defined in chapter 5 of this title related to the permit for the sale of beer or malt beverages for consumption on the premises at the location where the violation of this chapter occurred.

(2) The suspension or revocation decision of the commission made pursuant to subdivision (1)(A) is final, and any party aggrieved thereby may appeal the decision of the commission in accordance with the uniform administrative procedures act, compiled in title 4, chapter 5.

(d) The executive director of the alcoholic beverage commission shall file a report with the state and local government committees of each house no later than March 15, 2014, on the success or failure of the pilot project created pursuant to subsections (b) and (c) and § 57-5-108(n) and (o), together with the executive director's recommendations as to whether the pilot project should be extended, continued or terminated and recommendations for legislative action, if any are required, based on the executive director's findings. The report, at a minimum, shall contain:

(1) The number of permits or licenses suspended or revoked;

(2) Whether such suspensions or revocations were appealed;

(3) The extent to which a court upheld or overturned such suspensions or revocations;

(4) Whether licensees or permittees surrendered their license or permit in lieu of having a license suspended or revoked;

(5) Whether a new license or permit was issued to the same person or business entity for a new or the same location, if such person or business entity had previously surrendered a license or permit in accordance with subdivision (4); and

(6) The effect the implementation of the pilot project had on the activities of the establishments holding licenses and permits issued by the alcoholic beverage commission or the local or municipal beer board responsible for controlling the sale of beer within the locality impacted by the pilot project.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Floyd moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 3633 By inserting the language "executive director of the" in subdivision (n)(1)(A) and (B) of Section 1 immediately preceding the language "alcoholic beverage commission.

AND FURTHER AMEND by deleting the language "the commission" in subdivision (o)(1)(A) of Section 1 and by substituting instead the language "the beer board".

AND FURTHER AMEND by deleting the language "or permit" in subdivision (o)(3) of Section 1.

On motion, Amendment No. 2 was adopted.

Rep. Floyd moved that House Bill No. 3633, as amended, be reset for the Regular Calendar on April 2, 2012, which motion prevailed.

***House Bill No. 2226** -- Criminal Offenses - As introduced, criminalizes possession, use, transfer or installation of software designed to manipulate retail records of transactions for evading payment of sales tax to the state. - Amends TCA Title 38; Title 39; Title 40 and Title 67. by *Miller D. (SB2194 by *Southerland)

Rep. D. Miller moved that **House Bill No. 2226** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 96

A motion to reconsider was tabled.

***House Bill No. 2933** -- Traffic Safety - As introduced, requires a local government to include in any new, existing, or renewed contract involving unmanned traffic enforcement cameras that the contract must conform to any changes in state law. - Amends TCA Section 55-8-198. by *Ragan. (SB2779 by *McNally)

Rep. Ragan moved that House Bill No. 2933 be passed on third and final consideration.

Rep. Lundberg moved the previous question, which motion prevailed.

Rep. Ragan moved that **House Bill No. 2933** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes.....	4
Present and not voting.....	1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody,

Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 86

Representatives voting no were: Cooper, Hardaway, Towns, Turner M -- 4

Representatives present and not voting were: Kernell -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **House Bill No. 2933** and have this statement entered in the Journal: Rep(s). Camper and Casada.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2909** -- Physicians and Surgeons - As introduced, voids contractual restrictions on a physician's right to practice medicine if such physician is employed independently of a bona fide practice purchase and is terminated by an employing entity for reasons other than breach by the employee. - Amends TCA Section 63-6-204 and Section 68-11-205. by *Gilmore, *Casada, *Gotto. (SB2910 by *Henry)

On motion, House Bill No. 2909 was made to conform with **Senate Bill No. 2910**; the Senate Bill was substituted for the House Bill.

Rep. Gilmore moved that **Senate Bill No. 2910** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes.....	5
Present and not voting.....	2

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pruitt, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Madam Speaker Harwell -- 89

Representatives voting no were: McCormick, Pody, Ragan, Sexton, Wirgau -- 5

Representatives present and not voting were: Campbell, Powers -- 2

A motion to reconsider was tabled.

House Bill No. 3253 -- Employees, Employers - As introduced, clarifies the employee's 30-minute rest break or meal period to include a right to waive the meal period or break. - Amends TCA Title 50. by *Gilmore, *Hardaway. (*SB2625 by *Crowe)

On motion, House Bill No. 3253 was made to conform with **Senate Bill No. 2625**; the Senate Bill was substituted for the House Bill.

Rep. Gilmore moved that Senate Bill No. 2625 be passed on third and final consideration.

Rep. Eldridge moved that Consumer and Employee Affairs Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Gilmore moved that Senate Bill No. 2625 be passed on third and final consideration.

Rep. Hardaway moved the previous question, which motion prevailed.

Rep. Gilmore moved that **Senate Bill No. 2625** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 83
Noes..... 10

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller L, Montgomery, Naifeh, Odom, Parkinson, Pody, Powers, Pruitt, Ragan, Ramsey, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Watson, Weaver, White, Williams R, Windle, Madam Speaker Harwell -- 83

Representatives voting no were: Campbell, Dunn, Haynes, Keisling, Miller D, Moore, Pitts, Turner M, Williams K, Wirgau -- 10

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "not voting" to "aye" on **Senate Bill No. 2625** and have this statement entered in the Journal: Rep(s). Butt.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "aye" to "no" on **Senate Bill No. 2625** and have this statement entered in the Journal: Rep(s). McCormick.

REGULAR CALENDAR, CONTINUED

House Bill No. 3570 -- Highway Signs - As introduced, names segment of S.R. 68 in Monroe County in honor of the late LCpl. Franklin "Frankie" Namon Watson, USMC. by *Matlock. (*SB2778 by *McNally)

Rep. Matlock moved that House Bill No. 3570 be passed on third and final consideration.

Rep. P. Johnson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3570 By adding the following language immediately preceding the enacting clause:

WHEREAS, from time to time, the members of this General Assembly have seen fit to name certain highways and bridges to honor the memory of those courageous members of the United States Armed Forces who gave their lives while serving our nation; and

WHEREAS, no person is more deserving of this honor than the late Lance Corporal Franklin "Frankie" Namon Watson, United States Marine Corps, who made the ultimate sacrifice for his country on September 24, 2011, while serving in Afghanistan; and

WHEREAS, LCpl. Watson followed the patriotic tradition for which Monroe County and the Volunteer State are renowned by enlisting and serving with distinction in the United States Marine Corps; and

WHEREAS, at the time of his death, LCpl. Watson was serving as a combat engineer charged with the duty of disarming IEDs in Afghanistan; and

WHEREAS, this brave soldier had also protected and served the public safety as a Madisonville police officer and Monroe County Sheriff's deputy; and

WHEREAS, Frankie Watson will be fondly remembered by his family and many friends for his smile and his ability to light up a room; and

WHEREAS, LCpl. Watson served with great courage and gallantry, giving his life for his country and for the cause in which he believed, and for that ultimate sacrifice, he deserves proper recognition; and

WHEREAS, LCpl. Watson's dedication to excellence in the military and his love of his family, his fellow soldiers, and country, exemplified in his sacrifice of life itself in defense of all that he held dear, stand as enduring examples of all the characteristics that have ensured the continued freedom of our nation and the preservation of its ideals over the course of our history; and

WHEREAS, Frankie Watson selflessly gave his life while serving his country, and it is thus most appropriate that a segment of highway in his home county should be named to honor his memory; now, therefore,

AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Notwithstanding any provision of law to the contrary, the segment of U.S. Highway 411 located within the corporate limits of Madisonville in Monroe County is hereby designated the "LCpl. Franklin "Frankie" Namon Watson Memorial Highway"..

SECTION 2. The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment of U.S. Highway 411 described in Section 1 as the "LCpl. Franklin "Frankie" Namon Watson Memorial Highway". The cost of such signage shall be funded in accordance with Tennessee Code Annotated, § 54-1-133.

SECTION 3. The erection of such signs shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices.

SECTION 4. This act shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this act shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

SECTION 5. The appellation "LCpl. Franklin "Frankie" Namon Watson Memorial Highway" provided for in this act is for honorary purposes only and nothing contained herein shall be construed as requiring the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this act.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Matlock moved that **House Bill No. 3570**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Sparks, Stewart,

Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 95

A motion to reconsider was tabled.

***House Bill No. 3023** -- Motor Vehicles - As introduced, increases from three to five days wherein the police, or a towing firm with possession of vehicles in the custody of police, must verify ownership of abandoned, immobile or unattended motor vehicles and notify the last registered owner. - Amends TCA Title 55, Chapter 16, Part 1. by *Dean. (SB2839 by *Tracy)

Rep. Dean moved that House Bill No. 3023 be passed on third and final consideration.

Rep. P. Johnson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3023 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-16-105, is amended by designating the existing language of subsection (g) as subdivision (g)(1) and by adding a new subdivision thereto, as follows:

(2) A garagekeeper or towing firm that does not verify ownership of a motor vehicle within three (3) business days after taking possession of such motor vehicle pursuant to this section or that does not notify by mail the owner of such motor vehicle within six (6) days after taking possession shall not be entitled to receive more than six (6) days of storage-related expenses. A garagekeeper or towing firm that is found by a court of competent jurisdiction to have failed upon presentment of payment for towing and storage expenses to release a motor vehicle shall be subject to civil liability to a vehicle owner, secured creditor, lessor or lienholder who prevails in an action brought under this section for reasonable costs and attorney's fees incurred by the person instituting the action.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Dean moved that **House Bill No. 3023**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt,

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Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “no” to “aye” on **Senate Bill No. 2910** and have this statement entered in the Journal: Rep(s). Wirgau.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **House Bill No. 2933** and have this statement entered in the Journal: Rep(s). Richardson.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “no” on **House Bill No. 2984** and have this statement entered in the Journal: Rep(s). Richardson.

REGULAR CALENDAR, CONTINUED

***House Bill No. 3019** -- Special License Plates - As introduced, authorizes issuance of Boy Scouts of America new specialty earmarked license plates; allocates 50 percent of funds derived from sale thereof to five Tennessee Councils of Boy Scouts to fund and support scouting programs and activities. - Amends TCA Title 55, Chapter 4. by *Lollar. (SB2838 by *Tracy, *Ketron, *Faulk, *Ford, *Herron, *Kyle, *Overbey, *Roberts)

On motion, House Bill No. 3019 was made to conform with **Senate Bill No. 2838**; the Senate Bill was substituted for the House Bill.

Rep. Lollar moved that Senate Bill No. 2838 be passed on third and final consideration.

Rep. Sargent moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3019 By deleting the language "new specialty earmarked plates" from Section 2(b) and by substituting instead the language "new specialty earmarked license plates".

AND FURTHER AMEND by deleting the language "new specialty license plates" from Section 2(d) and by substituting instead the language "new specialty earmarked license plates".

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Lollar moved that **Senate Bill No. 2838**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 96

A motion to reconsider was tabled.

House Bill No. 3383 -- Tennessee Wildlife Resources Agency - As introduced, makes it a Class A misdemeanor to transport wild-appearing swine into or within the state without appropriate documentation from the department of agriculture. - Amends TCA Title 70, Chapter 4, Part 1. by *Lollar. (*SB2879 by *Southerland, *Burks)

Rep. Lollar moved that House Bill No. 3383 be reset for the Regular Calendar on April 5, 2012, which motion prevailed.

House Bill No. 3808 -- Abortion - As introduced, enacts the "Life Defense Act of 2012." - Amends TCA Title 37, Chapter 10, Part 3; Title 39, Chapter 15, Part 2 and Title 68. by *Hill, *Evans. (*SB3323 by *Beavers)

Rep. Hill moved that House Bill No. 3808 be passed on third and final consideration.

Rep. Casada moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3808 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Life Defense Act of 2012."

SECTION 2. Tennessee Code Annotated, Section 39-15-202, is amended by adding the following as a new subsection:

(h)

(1) A physician may not perform an abortion unless the physician has admitting privileges at a hospital licensed under title 68 that is located:

(A) In the county in which the abortion is performed;
or

(B) In a county adjacent to the county in which the abortion is performed.

(2) The physician who performs an abortion or a health care provider licensed pursuant to title 63 under the supervision of the physician shall notify the patient of the location of the hospital at which the physician has privileges and where the patient may receive follow-up care by the physician if complications arise.

SECTION 3. Any provision of this act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable herefrom and shall not affect the remainder hereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

SECTION 4. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Shipley moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. K. Williams moved the previous question, which motion prevailed by the following vote:

Ayes	65
Noes	30

Representatives voting aye were: Alexander, Brooks K, Butt, Campbell, Casada, Cobb, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Tindell, Todd, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 65

Representatives voting no were: Armstrong, Bass, Brown, Camper, Cooper, Curtiss, DeBerry J, DeBerry L, Fitzhugh, Gilmore, Hardaway, Hensley, Jones, Kernell, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M -- 30

Rep. Hill moved that **House Bill No. 3808**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 72
Noes..... 24

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Montgomery, Niceley, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 72

Representatives voting no were: Armstrong, Brown, Camper, Cooper, DeBerry L, Fitzhugh, Gilmore, Hardaway, Jones, Kernell, Miller L, Moore, Naifeh, Odom, Parkinson, Pruitt, Richardson, Sontany, Stewart, Tidwell, Tindell, Towns, Turner J, Turner M -- 24

A motion to reconsider was tabled.

***House Bill No. 3636** -- Education - As introduced, requires all driver education courses to include instruction on the dangers of texting while driving and the penalty therefor. - Amends TCA Title 49. by *Parkinson. (SB3588 by *Kelsey, *Crowe, *Overbey)

On motion, House Bill No. 3636 was made to conform with **Senate Bill No. 3588**; the Senate Bill was substituted for the House Bill.

Rep. Parkinson moved that House Bill No. 3636 be passed on third and final consideration.

Rep. Montgomery moved that Education Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Parkinson moved that **Senate Bill No. 3588** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart,

THURSDAY, MARCH 29, 2012 – SIXTY-SIXTH LEGISLATIVE DAY UNOFFICIAL VERSION

Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

***House Bill No. 3858** -- Harriman - As introduced, subject to local approval, moves the city election to coincide with the August general election beginning in 2014; extends the two-year term of office of officials elected in the June 2011 election to the first day of September 2014 following the August election. - Amends Chapter 49 of the Acts of 1891; as amended. by *Hurley. (SB3790 by *Yager)

Further consideration of House Bill No. 3858 previously considered on March 27, 2012, at which time it was reset for today's Calendar

Rep. Hurley moved that House Bill No. 3858 be passed on third and final consideration.

Rep. Ramsey moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3858 by deleting the language in Section 1 following the language "and by substituting instead the following:" and by substituting instead the following:

Elections and terms of office for the mayor, city treasurer, city judge, city attorney, and aldermen. Beginning in 2014, and every two-years thereafter, a city election for the City of Harriman shall be held at the regular August election at which the qualified voters of the City of Harriman shall elect successors to those elected city officers whose terms are due to expire. The officers so elected shall hold their offices from the first day of September next following their election and until their respective successors have been elected and qualified. The terms of office of the mayor, city treasurer, city judge, city attorney and aldermen elected at the June, 2009, election for four-year terms to expire July 1, 2013, shall be extended to expire the first day of September following the August 2014, election. The terms of the aldermen elected at the June, 2011, election for four-year terms to expire July 1, 2015, shall be extended to expire the first day of September following the August 2016, election

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Hurley moved that **House Bill No. 3858**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety,
4616

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Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

***House Bill No. 2684** -- Medical Occupations - As introduced, provides immunity to medical doctor or osteopathic physician who makes a report to law enforcement regarding an employee's unauthorized use of the doctor or physician's DEA registration number to write prescriptions. - Amends TCA Title 63, Chapter 9 and Title 63, Chapter 6. by *Williams R., *Hensley, *White, *Hurley, *Ragan, *Hall (SB2609 by *Burks)

On motion, House Bill No. 2684 was made to conform with **Senate Bill No. 2609**; the Senate Bill was substituted for the House Bill.

Rep. R. Williams moved that Senate Bill No. 2609 be passed on third and final consideration.

Rep. Casada moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2684 By deleting subsection (b) of the amendatory language of Section 1 in its entirety and by substituting instead the following:

(b) Any medical doctor, firm, partnership, or corporation making a report pursuant to subsection (a) shall be presumed to be acting in good faith and shall thereby be immune from any civil liability, including administrative actions imposed for licensure revocation, and shall have an affirmative defense to any criminal liability arising from that protected activity.

AND FURTHER AMEND by deleting subsection (b) of the amendatory language of Section 2 in its entirety and by substituting instead the following:

(b) Any osteopathic physician, firm, partnership, or corporation making a report pursuant to subsection (a) shall be presumed to be acting in good faith and shall thereby be immune from any civil liability, including administrative actions imposed for licensure revocation, and shall have an affirmative defense to any criminal liability arising from that protected activity.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. R. Williams moved that **Senate Bill No. 2609**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes..... 0
Present and not voting..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 96

Representatives present and not voting were: Hardaway -- 1

A motion to reconsider was tabled.

Senate Bill No. 2723 -- Local Education Agencies - As introduced, allows local boards of education to conduct scheduled board meetings electronically in some circumstances. - Amends TCA Title 8, Chapter 44, Part 1 and Title 49, Chapter 2. by *Finney L. (*HB2883 by *Fitzhugh, *Hardaway)

Further consideration of Senate Bill No. 2723 previously considered on today's Calendar, at which time the House adopted Amendment(s) No(s). 2.

Rep. Fitzhugh moved that Senate Bill No. 2723 be passed on third and final consideration.

Rep. D. Miller moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. D. Miller moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. D. Miller moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 2883 by deleting subdivision () (1) in SECTION 1 in its entirety and by substituting instead the following:

(1) Notwithstanding title 8, chapter 44, part 1, a local board of education may conduct a scheduled board meeting by electronic means as long as the member can be visually identified by the chairman, including, but not limited to, telephone, videoconferencing or other web-based media, if a member is absent because the member is required to be out of the county in which the LEA is located for the member's work, the member is dealing with a family emergency as determined by the LEA, or because of the member's military service. Only members who are out of the county for work, family emergency or military service may attend and participate in the meeting electronically.

On motion, House Amendment No. 5 was adopted.

Rep. Parkinson moved the previous question, which motion prevailed by the following vote:

Ayes	78
Noes.....	15
Present and not voting.....	1

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry L, Dennis, Dunn, Elam, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matlock, McCormick, McDaniel, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Shaw, Shepard, Shipley, Sontany, Sparks, Swann, Tindell, Todd, Towns, Turner J, Turner M, Watson, Williams K, Williams R, Windle, Madam Speaker Harwell -- 78

Representatives voting no were: Bass, Brown, DeBerry J, Eldridge, Hall, Holt, Matheny, Niceley, Pody, Powers, Sexton, Tidwell, Weaver, White, Wirgau -- 15

Representatives present and not voting were: Kernell -- 1

Rep. Fitzhugh moved that **Senate Bill No. 2723**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	58
Noes.....	35
Present and not voting.....	1

Representatives voting aye were: Armstrong, Brooks H, Brooks K, Brown, Camper, Carr, Cobb, Cooper, Curtiss, DeBerry J, DeBerry L, Dunn, Evans, Faison, Fitzhugh, Ford, Forgety, Gilmore, Halford, Hardaway, Harmon, Harrison, Hawk, Johnson P, Keisling, Kernell, Lollar, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Ramsey, Rich, Richardson, Roach, Sargent, Shaw, Shepard, Sontany, Sparks, Tindell, Todd, Towns, Turner J, Turner M, Williams K, Williams R, Madam Speaker Harwell -- 58

Representatives voting no were: Alexander, Butt, Campbell, Casada, Dean, Dennis, Elam, Eldridge, Floyd, Gotto, Hall, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Lundberg, Maggart, Marsh, Matheny, Niceley, Pody, Powers, Ragan, Sanderson, Sexton, Shipley, Swann, Tidwell, Watson, Weaver, White, Windle, Wirgau -- 35

Representatives present and not voting were: Coley -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **Senate Bill No. 2723** and have this statement entered in the Journal: Rep(s). Lollar.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. McCormick moved to suspend the rules in order to allow all of the bills that were rolled one week in last night's Education Subcommittee to be heard on next week's Education Subcommittee calendar.

Without objection, it was so ordered.

RULES SUSPENDED

Rep. McCormick moved to suspend the rules in order to allow all bills listed on the Education Calendar in the weekly agenda, spread on the members' desks, to be heard in the Education Committee next week.

Without objection, it was so ordered.

RULES SUSPENDED

Rep. McCormick moved to suspend the rules in order to allow **House Bill No. 3872** to be heard in the State and Local Government Committee next week.

Without objection, it was so ordered.

RULES SUSPENDED

Rep. McCormick moved to suspend the rules in order to allow **House Bill No. 2492** to be heard in the Judiciary Subcommittee next week.

Without objection, it was so ordered.

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 724 out of order, which motion prevailed.

Senate Joint Resolution No. 724 -- Memorials, Recognition - Honors and salutes the courageous Liberators and Holocaust Survivors of Tennessee and the work of the Tennessee Holocaust Commission. by *Berke.

On motion of Rep. McCormick, the resolution was concurred in.

A motion to reconsider was tabled.

MOTION TO PLACE BILL ON CALENDAR

Rep. Shepard moved that House Joint Resolution No. 695, held on the Clerk's desk, be placed on the Consent Calendar for April 2, 2012, which motion prevailed.

RULES SUSPENDED

Rep. Carr moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 845 out of order, which motion prevailed.

House Joint Resolution No. 845 -- Memorials, Recognition - Middle Tennessee State University, 100th anniversary. by *Carr, *Sparks, *Marsh, *Womick.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Carr, the resolution was adopted.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Watson, **House Bill No. 1033** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Watson, **House Bill No. 2421** was recalled from the Calendar and Rules Committee and withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 773 Rep(s). S. Jones as prime sponsor(s).

House Joint Resolution No. 783 Rep(s). Bass as prime sponsor(s).

House Joint Resolution No. 843 Rep(s). Brown, Favors, Hardaway, Tidwell, Bass, M. Turner, Stewart, Camper, L. DeBerry, Harmon, Pitts, Pruitt, Odom, Moore, Gilmore, Towns, B. Cooper, Sontany, S. Jones, Windle, L. Miller, Curtiss, J. Turner, McDonald, J. DeBerry, Shaw, Shepard, Richardson, Kernell, Naifeh and Fitzhugh as prime sponsor(s).

House Joint Resolution No. 844 Rep(s). Pitts, Pruitt, Odom, Moore, Gilmore, Towns, B. Cooper, Sontany, S. Jones, Windle, Tindell, Curtiss, J. Turner, Armstrong, J. DeBerry, Shaw, L. Miller, Shepard, Kernell, Richardson, Naifeh, Fitzhugh, Brown, Favors, Hardaway, Tidwell, Bass, Camper, Stewart and L. DeBerry as prime sponsor(s).

House Joint Resolution No. 847 Rep(s). Brown, Parkinson, Hardaway, Tidwell, Bass, Richardson, Pitts, Stewart, M. Turner, Harmon, Pruitt, Towns, Moore, B. Cooper, Gilmore, Windle, J. Turner, McDonald, Tindell, Curtiss, S. Jones, Sontany, Kernell, Shepard, Fitzhugh, Shaw, L. Miller, Camper, J. DeBerry and Armstrong as prime sponsor(s).

House Bill No. 2645 Rep(s). Gotto as prime sponsor(s).

House Bill No. 3383 Rep(s). Roach, Ford, Harrison, Naifeh and McDaniel as prime sponsor(s).

House Bill No. 3633 Rep(s). Hardaway, Dean, McCormick, Haynes and White as prime sponsor(s).

House Bill No. 3636 Rep(s). Hardaway, Armstrong, Lundberg, K. Brooks, Watson, Marsh, McManus, Maggart, Shaw, Holt and Shipley as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Eldridge was/were removed as sponsor(s) of **Hosue Bill No. 2497**.

ENGROSSED BILLS March 29, 2012

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 828, 829, 831, 832, 833, 834, 835, 836, 837 and 838.

BETTY KAY FRANCIS, Chief Engrossing Clerk

MESSAGE FROM THE SENATE March 29, 2012

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 798, 799, 800, 801, 802 and 809; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE SENATE

March 29, 2012

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2236, 2292, 2475, 2644, 2669, 2682, 2793, 2878, 3026, 3481, 3518, 3833, 3840, 3842, 3847, 3852, 3853 and 3856; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

ENGROSSED BILLS

March 29, 2012

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 2226, 2434, 2671, 2774, 2933, 2978, 2984, 3023, 3570, 3746, 3808 and 3858; also House Joint Resolution(s) No(s). 845;

BETTY KAY FRANCIS, Chief Engrossing Clerk

MESSAGE FROM THE SENATE

March 29, 2012

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 368, 2381, 2437, 2441, 2658, 2789, 2834, 3007 and 3266; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE SENATE

March 29, 2012

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2167, 2214, 2221, 2250, 2252, 2304, 2305, 2309, 2310, 2311, 2337, 2353, 2396, 2648, 2717, 2822, 2872, 2961, 3007, 3011, 3024, 3071, 3260, 3383, 3384, 3386, 3388, 3389, 3390 and 3749; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

ENROLLED BILLS

March 29, 2012

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 229; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
March 29, 2012**

The Speaker announced that she had signed the following: House Resolution(s) No(s). 229.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS
March 29, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 798, 799, 800, 801, 802 and 809; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
March 29, 2012**

The Speaker announced that she had signed the following: House Joint Resolution(s) No(s). 798, 799, 800, 801, 802 and 809.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**REPORT OF CHIEF ENGROSSING CLERK
March 29, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 368, 2381, 2437, 2441, 2658, 2789, 2834, 3007 and 3266; for his action.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS
March 29, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 2236, 2292, 2475, 2644, 2669, 2682, 2793, 2878, 3026, 3481, 3518, 3833, 3840, 3842, 3847, 3852, 3853 and 3856; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
March 29, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 798, 799, 800, 801, 802 and 809; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK
March 29, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 798, 799, 800, 801, 802 and 809; for his action.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
March 29, 2012**

The Speaker announced that she had signed the following: Senate Bill(s) No(s). 2167, 2214, 2221, 2250, 2252, 2304, 2305, 2309, 2310, 2311, 2337, 2353, 2396, 2648, 2717, 2822, 2872, 2961, 3007, 3011, 3024, 3071, 3260, 3383, 3384, 3386, 3388, 3389, 3390 and 3749.

ROLL CALL

The roll call was taken with the following results:

Present..... 90

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Marsh, Matheny, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 90

RECESS MOTION

On motion of Rep. McCormick the House stood in recess until 5:00 p.m., Monday, April 2, 2012.